

# FISCAL NOTE

## HB 425 - SB 654

February 23, 2001

**SUMMARY OF BILL:** Requires prosecutors to prosecute any case in which a defendant is charged with assault, domestic assault, aggravated assault if the victim is a victim of domestic abuse even if the victim refuses to sign the affidavit of complaint, cooperate with the prosecutor, or to testify at a judicial proceeding. The bill provides for an exception to the mandatory prosecution if there is no credible and admissible evidence to support the prosecution without the victim's cooperation.

### ESTIMATED FISCAL IMPACT:

**Increase State Expenditures - \$679,700/Incarceration\***  
**Increase Local Govt. Expenditures\*\* - Exceeds \$500,000**  
**Increase Local Govt. Revenues - Exceeds \$100,000**

Assumes 49 additional Class C felony convictions for aggravated assault in domestic abuse cases and 600 additional Class A misdemeanor convictions for simple assault in domestic abuse cases which is estimated to be a 10% increase in convictions.

*\*Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated for operating cost, in current dollars, shall be based upon the highest cost of the next 10 years, beginning with the year the additional sentence to be served impacts the correctional facilities population.*

*\*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

### CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

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